IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4619 OF 2006

Ramchandra Nagnath Patil
and ors. ..Applicants

Vs.

The State of Maharashtra ..Respondent

Mr. V.V. Purwant for applicants.
Ms. Rajshree Gadhvi, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : February 02, 2007.

P.C.:

1. The incident of murder is alleged to have taken place on 30/4/2006 in Sessions Case No. 170 of 2006. There are in all 17 accused in the said case and 13 of them have been released on bail. One of the accused is juvenile and remaining three have made this application for being released on bail as the same prayer was rejected by the court below.

2. The applicants claim that they have been taken in custody in May, 2006 and the charge-sheet has been filed on 28/7/2006, as per the learned APP. However,

the trial has not yet been commenced. An application for transfer registered as Criminal Misc. Application No.995 of 2006 has been filed by the original complainant on or about 10/10/2006 requesting for transfer of Sessions Case No.170 of 2006 from the court presided over by Shri Jagtap to any other Additional Sessions Court at Solapur. This application is still pending before the learned Principal Sessions Judge at Solapur.

3. Having regards to the facts of this case, it is directed at the first instance that Criminal Misc. Application No.995 of 2006 shall be heard and decided by the learned Sessions Judge at Solapur within two weeks from today. It is made clear that any applications filed for alteration or deletion of charge shall be heard and decided along with the main case and on the basis of the evidence that may be adduced. The trial of Sessions Case No.170 of 2006 is hereby expedited and it is made clear that if the trial of the Sessions Case No.170 of 2006 does not commence by 1/4/2007, the applicants will be entitled to submit a fresh bail application before the trial

court for being released on bail under Section 439(2) of Cr.P.C. and the said application shall be considered by the trial court on its own merits and taking into consideration the change circumstances i.e. non commencement of the sessions trial.

4. The application is disposed off in terms of the above order.

(B.H. Marlapalle,J.)